UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/656,551	09/05/2003	Diana K. Smetters	D/A3162Q	8170

35490 7590 02/22/2006

PATENT DOCUMENTATION CENTER
XEROX CORPORATION
100 CLINTON AVENUE SOUTH, XEROX SQ. 20 TH FLOOR
ROCHESTER, NY 14644

EXAMINER	
NGUYEN, KHAI MINH	
ART UNIT	**PAPER NUMBER**
2687	

DATE MAILED: 02/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/656,551	SMETTERS ET AL.	
	Examiner	Art Unit	
	Khai M. Nguyen	2687	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *23 November 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-19* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-19* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. This Office Action is response to Amendment filed on 11/23/2005

Claims 1-19 are pending.

Response to Arguments

2. Applicant's arguments filed on November 23, 2005 have been fully considered but they are not persuasive. In the Remark, the Applicant argues the limitation: " provisioning of a wireless device over a preferred channel, or of automatically configuring the wireless device, responsive to the provisioning, to communicate over a secure communication channel" is not taught or described in Lowensohn.

In contrast to the Applicant's argument, Lowensohn teaches and describes a method of detecting the presence of BARB Badges 100 in its vicinity and can relay the collected data via secure communication between the BARB badge and the computer-based system (fig.1, paragraph 0039, *secure channel = preferred channel*), automatically configuring the wireless device (paragraph 0042-0043, 0228), responsive to the provisioning, to communicate over a secure communication channel (fig.2, paragraph 0042-0043, *the BARD badge 100 can securely communicate with the BARB base 110*).

Having fully address the Applicant's argument, the rejection still stands.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Lowensohn et al. (U.S.Pub-20040230809).

Regarding claim 1, Lowensohn teaches a computer controlled (fig.1, paragraph 0037) method comprising:

establishing communication between a wireless sensor and a provisioning device over a preferred channel (fig.1, paragraph 0009, 0271, *from a plurality of unique BARB badge detected by the sensor subsystem and to establish secure communication between the particular unique BARB badge and the computer-based system*);

receiving provisioning information from said provisioning device over said preferred channel (fig.1, paragraph 0009-0010, 0039-0040) ; and

automatically configuring said wireless sensor for transmitting sensor information over a secure communication channel responsive to said provisioning information (fig.1, 4, paragraph 0009-0010, 0059).

Regarding claim 2, Lowensohn teaches the computer controlled method of claim 1, wherein said provisioning information comprises a credential (paragraph 0038, 0043).

Regarding claim 3, Lowensohn teaches the computer controlled method of claim 1, wherein said provisioning information further comprises one or more of patient data, limit data, alarm data, dosage data, interval data, access data, physician data, caregiver data, nurse data, insurance data or room assignment data (fig.4, paragraph 0004, 0059).

Regarding claim 4, Lowensohn teaches the computer controlled method of claim 3, further comprising transmitting said sensor information over said secure communication channel (fig.1, paragraph 0009, 0271).

Regarding claim 5, Lowensohn teaches the computer controlled method of claim 1, wherein said provisioning information further comprises one or more of sensitivity data, target data, image recognition data, or noise characteristics (paragraph 0038, 0043).

Regarding claim 6, Lowensohn teaches the computer controlled method of claim 1, wherein said wireless sensor senses one or more of medical information, location information, proximity information, environmental information, or vehicle information (paragraph 0043-0044).

Regarding claim 7, Lowensohn teaches a computer-readable storage medium storing instructions that when executed by a computer in a wireless sensor to cause the computer (fig.1-2, paragraph 0037) to perform a method comprising steps of:

establishing communication between said wireless sensor and a provisioning device over a preferred channel (fig.1, paragraph 0009, 0271, *from a plurality of unique BARB badge detected by the sensor subsystem and to establish secure communication between the particular unique BARB badge and the computer-based system*);

receiving provisioning information from said provisioning device over said preferred channel (fig.1, paragraph 0009-0010, 0039-0040); and

automatically configuring said wireless sensor for transmitting sensor information over a secure communication channel responsive to said provisioning information (fig.1, 4, paragraph 0009-0010, 0059).

Regarding claim 8, Lowensohn teaches the computer-readable storage medium of claim 7, wherein said provisioning information comprises a credential (paragraph 0038, 0043).

Regarding claim 9, Lowensohn teaches the computer-readable storage medium of claim 7, wherein said provisioning information further comprises one or more of patient data, limit data, alarm data, dosage data, interval data, access data, physician data, caregiver data, nurse data, insurance data or room assignment data (fig.4, paragraph 0004, 0059).

Regarding claim 10, Lowensohn teaches the computer-readable storage medium of claim 9, further comprising transmitting said sensor information over said secure communication channel (fig.1, paragraph 0009, 0271).

Regarding claim 11, Lowensohn teaches the computer-readable storage medium of claim 7, wherein said provisioning information further comprises one or more of sensitivity data, target data, image recognition data, or noise characteristics (paragraph 0038, 0043).

Regarding claim 12, Lowensohn teaches the computer-readable storage medium of claim 7, wherein said wireless sensor senses one or more of medical information, location information, proximity information, environmental information, or vehicle information (paragraph 0043-0044).

Regarding claim 13, Lowensohn teaches a wireless (fig.1, paragraph 0037) apparatus comprising:

at least one port configured to establish a preferred channel (paragraph 0047, 0053); a preferred channel communication mechanism configured to be able to establish communication with a provisioning device over said preferred channel (fig.1, paragraph 0009, 0271, *from a plurality of unique BARB badge detected by the sensor subsystem and to establish secure communication between the particular unique BARB badge and the computer-based system*);

a receiver mechanism configured to be able to receive provisioning information from said provisioning device over said preferred channel (fig.1, paragraph 0009-0010, 0039-0040); and

an automatic configuration mechanism to enable said wireless sensor to transmit sensor information over a secure communication channel established responsive to said provisioning information (fig.1, 4, paragraph 0009-0010, 0059).

Regarding claim 14, Lowensohn teaches the apparatus of claim 13, wherein said provisioning information comprises a credential (paragraph 0038, 0043).

Regarding claim 15, Lowensohn teaches the apparatus of claim 13, wherein said provisioning information further comprises one or more of patient data, limit data, alarm data, dosage data, interval data, access data, physician data, caregiver data, nurse data, insurance data, room assignment data, sensitivity data, target data, image recognition data, activation data, or noise characteristics (fig.4, paragraph 0004, 0059).

Regarding claim 16, Lowensohn teaches the apparatus of claim 15, further comprising a transmission mechanism configured to transmit said sensor information over said secure communication channel (fig.1, paragraph 0009, 0271).

Regarding claim 17, Lowensohn teaches the apparatus of claim 13, wherein wireless apparatus further comprises a sensor for measuring said sensor information (paragraph 0009-0010, 0038, 0043).

Regarding claim 18, Lowensohn teaches the apparatus of claim 13, wherein said wireless sensor senses one or more of medical information, location information,

proximity information, environmental information, or vehicle information (paragraph 0043-0044).

Regarding claim 19, Lowensohn teaches the apparatus of claim 13, wherein said sensor information is status information about the apparatus (fig.1, 14a, paragraph 0009-0010, 0037).

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khai M. Nguyen whose telephone number is 571.272.7923. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571.272.7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Khai Nguyen
Au: 2687

GEORGE ENG
SUPERVISORY PATENT EXAMINER